

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

CAROL MELTON,

Plaintiff,

-against-

POUGHKEEPSIE CITY SCHOOL DISTRICT,

Defendant.

Index No. 19 CV 09755 (VB)

**ANSWER TO AMENDED
COMPLAINT**

Defendant Poughkeepsie City School District (hereinafter referred to as “District”), by its attorneys, Shaw, Perelson, May & Lambert, LLP, as and for its Answer to the Amended Complaint (hereinafter “Complaint”), states:

1. Admits the allegations at paragraphs numbered I A, B and C of the Complaint.
2. Admits the allegations at paragraph numbered II of the Complaint.
3. Denies the allegations at paragraphs numbered III A, C and D of the Complaint.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations at paragraph numbered IV of the Complaint.
5. As and for its answer to the allegations at paragraph numbered III E and the attached “ATTACHMENT A . . . Facts” to the Complaint thereof, denies the allegations at paragraphs numbered 1 through 19 thereof, except admits that in or about November of 2020 the District authorized the bringing of formal charges against the Plaintiff under N.Y. Education Law section 3020-a.

6. As and for its answer to the allegations at paragraph numbered V and the attached “ATTACHMENT B . . . Injuries” to the Complaint thereof, denies the allegations therein.
7. As and for its answer to the allegations at paragraph numbered V and the attached “ATTACHMENT C . . . Relief” to the Complaint thereof, denies the allegations therein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The Complaint fails to state a claim upon which the relief sought in the Complaint may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

The Plaintiff has failed to exhaust her administrative remedies as concerns her claims of unlawful discrimination or retaliation.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

The Plaintiff failed to timely commence this action within 90 days of receipt of a notice of right to sue.

WHEREFORE, the defendant respectfully requests that the Court render an Order denying the relief sought in the Complaint and granting the defendant such other and further relief as the Court may deem just and proper.

Dated: Poughkeepsie, New York
January 15, 2021

SHAW, PERELSON, MAY & LAMBERT, LLP
Attorneys for Defendant

By: /S/
Mark C. Rushfield, Esq. (MCR0231)

Of Counsel to the Firm
21 Van Wagner Road
Poughkeepsie, New York 12603
845/486-4200
mrushfield@shawperelson.com